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DEMETRIC DI-AZ and OWEN DIAZ

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

DEMETRIC DI-AZ, OWEN DIAZ, and  
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;  
CITISTAFF SOLUTIONS, INC.; WEST  
VALLEY STAFFING GROUP;  
CHARTWELL STAFFING SERVICES, INC.;  
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**DESIGNATION OF TESTIMONY  
PRESENTED BY VIDEO OF DEMETRIC  
DI-AZ**

Trial Date: September 24, 2021  
Complaint filed: October 16, 2017

To ensure a complete record, Plaintiff Owen Diaz provides the following deposition testimony from Demetric Di-az which was presented by video to the jury on September 29, 2021.

**Di-Az, Demetric 5/15/18, Volume 1**

#	Lines	Deposition Excerpt
1	10:4-22	<p>4 Q. Could you please state your full name for the</p> <p>5 record.</p> <p>6 A. <b>Demetric Jean Di-az.</b></p> <p>7 Q. Did you say Jean?</p> <p>8 A. <b>Yes. That's my middle name.</b></p> <p>9 Q. Okay. And how do you spell your last name?</p> <p>10 A. <b>D-I hyphen A-Z.</b></p> <p>11 Q. And is your father's name Owen Diaz?</p> <p>12 A. <b>Yes.</b></p> <p>13 Q. And he spells his name with a D-I-A-Z without a</p> <p>14 hyphen; right?</p> <p>15 A. <b>Yes.</b></p> <p>16 Q. And why do you spell your name with a hyphen?</p> <p>17 A. <b>As a kid it was given to me like that through</b></p> <p>18 <b>birth. I really don't know why it was like that.</b></p> <p>19 Q. You don't have an understanding of why your last</p> <p>20 name is spelled with a hyphen?</p> <p>21 A. <b>I was told that was the original spelling. That</b></p> <p>22 <b>was it.</b></p>
2	31:20-22	<p>20 Q. How would you describe your relationship with</p> <p>21 your father?</p> <p>22 A. <b>My relationship with my father was good.</b></p>
3	40:14-16	<p>14 Q. So you received a high school diploma from</p> <p>15 Pittsburg's adult school in June of 2014?</p> <p>16 A. <b>Yes.</b></p>
4	109:2-3	<p>2 Q. How many days a week did you work?</p> <p>3 A. <b>Five.</b></p>
5	102:12-20	<p>12 Q. And who told you you would be reporting into</p> <p>13 Javier Caballero?</p> <p>14 A. <b>He told me after because I started asking</b></p> <p>15 <b>around, like, "Hey, who do I" -- and he was, like, "Oh,</b></p> <p>16 <b>well, you have to report to me now. You don't report to</b></p> <p>17 <b>the day shift anymore." And I was, like, "Okay."</b></p> <p>18 Q. So Javier Caballero told you that you would be</p> <p>19 reporting to him?</p> <p>20 A. <b>Yes.</b></p>
7	150:15- 151:20	<p>15 Q. In paragraph 14 you state "In approximately</p> <p>16 August of 2015, Demetric's father, Owen, informed him</p> <p>17 West Valley had openings for positions at the Tesla</p> <p>18 factory."</p> <p>19 Did your father tell you that West Valley had</p> <p>20 openings?</p> <p>21 A. <b>Yes.</b></p> <p>22 Q. Did your father encourage you to apply?</p> <p>23 A. <b>Yes.</b></p> <p>24 Q. What did your father tell you about what it was</p>

#	Lines	Deposition Excerpt
		<p>25 like to work at Tesla?</p> <p>1 A. He told me it was going to be a good experience</p> <p>2 and that it would be -- like, it would be good. I</p> <p>3 bought into it because I thought it was going to be the</p> <p>4 ultimate experience. Like, oh, I get to work for Tesla.</p> <p>5 They're making modern productions to build electrical</p> <p>6 cars to make the world a better place. Like, why</p> <p>7 wouldn't I want to be a part of that?</p> <p>8 Q. Your father told you it was going to be a good</p> <p>9 experience to work at Tesla?</p> <p>10 A. Yeah. He told me it would be a good experience</p> <p>11 and it was going to be good for me.</p> <p>12 Q. And that was right before you applied in August</p> <p>13 of 2015?</p> <p>14 A. Yes.</p> <p>15 Q. Did your father tell you around the time you</p> <p>16 applied in August 2015 anything about what his work</p> <p>17 experience was like at Tesla?</p> <p>18 A. When I was applying there, he said that his work</p> <p>19 experience was going okay. From what I could tell, it</p> <p>20 was going good.</p>
8	159:24- 160:14	<p>24 Q. And who stated this phrase?</p> <p>25 A. Javier. I think his last name is Caballero.</p> <p>1 You said his name.</p> <p>2 Q. Javier Caballero said this, quote, "All you</p> <p>3 fucking niggers -- I can't stand you motherfuckers"?</p> <p>4 A. Yes.</p> <p>5 Q. And in paragraph 19 you say that it was your</p> <p>6 shift lead?</p> <p>7 A. It's my shift supervisor.</p> <p>8 Q. So it wasn't your shift lead?</p> <p>9 A. No. That's probably a mistake.</p> <p>10 Q. Where was this statement said?</p> <p>11 A. Right on the production floor.</p> <p>12 Q. Where on the production floor?</p> <p>13 A. Within zone 1 and getting ready to walk out of</p> <p>14 our section.</p>
9	159:15- 163:24	<p>15 Q. And how many other people besides you and T.J.</p> <p>16 were present?</p> <p>17 A. Me, T.J., my father, and the rest of my team</p> <p>18 that was getting ready to leave.</p> <p>19 Q. It was directed at your whole team?</p> <p>20 A. Yes.</p> <p>21 Q. Sorry. Did you tell me how many people are on</p> <p>22 your team?</p> <p>23 A. I think I told you earlier.</p> <p>24 Q. Can you tell me again?</p>

#	Lines	Deposition Excerpt
		<p><b>25 A. I think approximately about six.</b></p> <p><b>1 Q. Any people on your team not African-American?</b></p> <p><b>2 A. Yes.</b></p> <p><b>3 Q. Who?</b></p> <p><b>4 A. I think it was probably about, like, three other</b></p> <p><b>5 guys that weren't African-American.</b></p> <p><b>6 Q. Any other people on your team African-American?</b></p> <p><b>7 A. Me, T.J., and one other guy. I don't remember</b></p> <p><b>8 his name.</b></p> <p><b>2 A. From there I went to his immediate -- to</b></p> <p><b>3 Javier's supervisor. They did nothing about it. And</b></p> <p><b>4 then from there, I went to HR, and they did nothing</b></p> <p><b>5 about it.</b></p> <p><b>6 Q. Who in HR did you complain to?</b></p> <p><b>7 A. I don't remember the lady's name.</b></p> <p><b>8 Q. And who was Javier's supervisor?</b></p> <p><b>9 A. It was another male. I don't remember his name</b></p> <p><b>10 either.</b></p> <p><b>13 Q. Did you ever put anything in writing?</b></p> <p><b>14 A. No.</b></p> <p><b>15 Q. You never complained in writing?</b></p> <p><b>16 A. No. I just went and verbally complained. It</b></p> <p><b>17 never went anywhere.</b></p> <p><b>18 Q. You never sent a text?</b></p> <p><b>19 A. No.</b></p> <p><b>20 Q. You never wrote an e-mail?</b></p> <p><b>21 A. No.</b></p> <p><b>22 Q. Did you follow back up with her to see if</b></p> <p><b>23 anything had happened?</b></p> <p><b>24 A. No.</b></p>
9	165:24- 166:3	<p><b>24 Q. Do you know whether your father heard it?</b></p> <p><b>25 A. My father told me that he did hear it, and</b></p> <p><b>1 that's the first time I seen my father, like, really</b></p> <p><b>2 feel like he couldn't do anything for me. Like, he</b></p> <p><b>3 didn't know what to do.</b></p>

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DATED: September 30, 2021

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